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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------------|------------------|
| 10/023,583 | 12/14/2001 | Steve Grove | 2043.052US1 | 1938 |
| 49845 7590 04/09/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402 | | | EXAMINER CHENCINSKI, SIEGFRIED E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3692 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/09/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/023,583

Applicant(s)

GROVE ET AL.

Examiner

Siegfried E. Chencinski

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. OBJECTION

The abstract of the disclosure is objected to because it includes a paragraph number in brackets at the beginning of the first text line. See MPEP § 608.01(b).

Correction by removal of the brackets and the number is required.

2. Claims 19 and 20 are objected to because of the following informalities: They are system claims which are made dependent on method claim 1. Appropriate correction is required.

For examination purposes the examiner will assume that the dependency is a typographical error and that Applicant meant these claims to be dependent on system claim 18, since they are parallel claims to method claims 2 and 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esposito et al. (US Patent 6,587,838 B1).

Re. Claims 1, 18 & 35, Esposito discloses a method, system and medium to enable users to interact with the system over heterogeneous network environments such as a packet switched network such as the Internet and a wireless network such as a plurality of pagers to learn about and express interest in products and services stored in a database (Abstract, ll. 1-6, 10-16). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention that Esposito's disclosure

includes the facilitating of a transaction by a network-based transaction facility, the method including: to view offerings that are offered for sale via the network-based transaction facility; responsive to the request, retrieving information concerning a plurality of offerings, wherein the plurality of offerings include a first offering of a first transaction type and a second offering of a second transaction type; integrating information concerning the first and second offerings into a commingled list; and causing the display of the commingled list to the buyer. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used Esposito's disclosures to facilitate a transaction by a network-based transaction facility, motivated by a desire to provide real-time notifications to vendors of purchaser requirements in a heterogeneous network environment, and a virtual market place system that incorporates the human element in the purchase and sale transaction (Esposito, Col. 1, ll. 30-34, 60-62).

Re. claims 2-17 & 19-34, Esposito does not explicitly disclose the exact language of Applicant's claims. However, **re. claims 4 & 21**, it would have been obvious to the ordinary practitioner at the time of Applicant's invention to receive a request from a buyer accessing the network-based transaction facility to view the offerings includes receiving a request from a buyer accessing a network-based auction facility to view only offerings offered for sale via the network-based transaction facility by a specific seller. Further, **re. Re. claims 2, 3, 5-17, Re. claims 2-17 & 19-34, 19, 20 & 22-34**, the examiner takes Official Notice that it was well known at the time of Applicant's invention wherein: 2. the first transaction type implements a first price-setting process, and the second transaction type implements a second price-setting process; 3. the at least one of the first and second price-setting processes includes a fixed price-setting process, an auction price-setting process, and an hybrid auction/fixed price setting process; 5. retrieving the information concerning the plurality of offerings includes retrieving offerings of a plurality of transaction types that meet a keyword search criteria provided by the buyer; 6. the keyword search criteria includes searching titles and descriptions, stored by the network-based transaction facility, of the plurality of offerings; 7. causing the display of the commingled list to the buyer includes causing display of the commingled list sorted according to price of the plurality of offerings; 8. causing the display of the commingled

list sorted according to the price of the items includes causing display of the commingled list sorted by price in descending order; 9. causing the display of the commingled list for the buyer includes causing the display of a predetermined number of the plurality of offerings in the commingled list to the buyer; 10. predetermined number of the parameter offerings is specified by the buyer; 11. causing the display of the commingled list to the buyer includes filtering the commingled list to into offerings of a specific transaction type only; 12. further including causing the display of offerings of the specific transaction type, wherein the offerings of the specific transaction type are sorted according to price; 13. the specific transaction type is an auction transaction type, the method including causing the display of offerings of the auction transaction type only, wherein the offerings of the auction transaction type are sorted according to end time of a respective auction; 14. causing display of the commingled list includes: determining if there is additional information concerning each offering for which information is included within the commingled list; if so, retrieving the additional information associated with at least one offering for which information is included within the commingled list; and displaying the additional information associated with the at least one offering within the commingled list; 15. the additional information includes any one of a thumbnail image associated with the offering, a title associated with the offering, applicable icons associated with the offering, the price of the offering, number of bids associated with the offering, or ending time associated with the offering; 16. the causing of the display of the commingled list includes generating a markup language document including the commingled list; 17. the causing of the display of the commingled list includes transmitting the markup language document from the network-based transaction facility, via a network, for display on a client computer system. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used Esposito's disclosures to facilitate a transaction by a network-based transaction facility, motivated by a desire to provide real-time notifications to vendors of purchaser requirements in a heterogeneous network environment, and a virtual market place system that incorporates the human element in the purchase and sale transaction (Esposito, Col. 1, ll. 30-34, 60-62).

Art Unit: 3692

Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

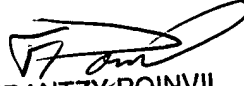
or Faxed to (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

March 30, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692